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CHARLES ELMORE

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1927.

No. 252

MRS. L. E. WILLIAMS, INDIVIDUALLY AND AS NATURAL TUTRIX OF HER MINOR SON, JOHN EARL WILLIAMS, PETITIONER,

versus

GREAT SOUTHERN LUMBER COMPANY, RESPONDENT.

MEMORANDUM (Supplemental) ON BEHALF OF RESPONDENT.

The testimony of Mrs. Williams as to Carson's statement (original brief, page 36) will be found in the record beginning at the top of page 480 through to page 485.

The action of the trial court in excluding the testimony of Chief of Police Magee as to the report made

to him by Patrolman Flournoy in respect to the circumstances attending the Bouchillon-O'Rourke-Dacus march will be found in the record, pages 528, 529 and 537.

The action of the trial court in excluding the testimony of Patrolman Flournoy as to what Bouchillon, O'Rourke and Dacus were doing and saying in their march and what he reported to the chief of police will be found in the record at pages 500, 501, 502 and 525.

Referring further to the latter action, although Flournoy stated (R., 501) that he knew there was a warrant out for the arrest of Dacus and attempted to state why he did not arrest Dacus, the trial court, on objection to the testimony by plaintiff's counsel, said (R., 502): "It is not shown that this witness had a warrant for Dacus' arrest. Why he didn't arrest Dacus or not is immaterial. I sustain the objection." Exception reserved.

Respectfully submitted,

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Attorneys for Respondent.

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